

## **REMARKS / ARGUMENTS**

Claims 1-26 are pending in the present application. Claims 1 and 14 are independent.

Claims 1-26 and 35-46 were rejected as being unpatentable over Taylor (U.S. Patent No. 6,254,642) in view of Hasson (U.S Patent No. 5,658,272).

### **Discussion**

Applicant submits that amended independent claims 1 and 14 are allowable over Taylor in view of Hasson since the Taylor and Hasson do not disclose or suggest "an evacuator that deflates the stomach around the expandable structure to form a gastric reduction pouch, the evacuator deflating the stomach around the expandable structure while the expandable structure is inflated." Taylor discloses vacuum ports 61 which are intended to draw esophageal tissue into engagement with the exposed vacuum ports 61. As such, the exposed ports 61 are not adapted to deflate the stomach around the expandable structure since the ports 61 are exposed and will be covered by esophageal tissue rather than deflating the stomach around the expandable structure.

Dependent claims 2-13, and 15-26 are allowable since they depend from allowable independent claims 1 and 14 and because they recite independently patentable features.

**CONCLUSION**

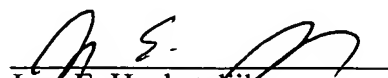
Applicant submits that all claims are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

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Date

  
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